THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.27001 OF 2005

Dt.20.12.2005

Between:

K.Kishtaiah … Petitioner

And

The Collector (CS), Govt. of A.P.,

Collectorate, Medak at Sangareddy

And 2 others. … Respondents

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies on behalf of the respondents.

The petitioner is the fair price shop dealer in respect of Shop No.1 of Rammakkapet Village, Dubbak Mandal, Medak District. The authorization of the petitioner was suspended by proceedings of the Revenue Divisional Officer, Siddipet, 2nd respondent herein, dated 17.5.2005 on the ground that the petitioner received Food For Work rice of a quantity of 53.50 quintals out of which he has distributed a quantity of 46.50 quintals of rice without obtaining coupons and a quantity of 7.00 quintals of rice was found as balance.

The learned counsel for the petitioner submits that in fact the coupons for distributing the said quantity of 46.50 quintals was not at

all issued by the M.P.D.O., and the said rice was distributed to the workers by collecting I.D card, who have executed the works meant for the Food For Work, by the Panchayat Secretary. It is further stated that the M.P.D.O., addressed a letter dated 7.7.2005 to the Mandal Revenue Officer, Dubbak, stating that out of 144 quintals of rice supplied under Food For Work coupons have been issued only for 41 quintals of rice and the remaining quantity of 103 quintals coupons could not be issued but the said rice has been distributed to the labours who got identification cards. Thus it is the case of the petitioner that the petitioner has not committed any irregularity and there is no misappropriation of the rice meant for Food For Work and therefore there is no allegation against the petitioner. It is further stated that for the inaction on the part of the respondents, the petitioner cannot be made to suffer for not issuing the coupons by the Mandal Parishad Development Officer. Thereafter, the 2nd respondent without considering the explanation submitted by the petitioner cancelled the authorization of the petitioner by order dated 21.10.2005. As against the said order dated 21.10.2005 in cancelling the authorization of the petitioner, the petitioner filed an appeal before the first respondent along with stay petition dated 23.11.2005 and the first respondent by order dated 9.12.2005 while admitting the appeal rejected the stay application. Aggrieved by the same, this writ petition is filed by the petitioner.

A perusal of the impugned proceedings goes to show that the petitioner has not committed any irregularity and there is no misappropriation of the essential commodities and there is no allegation that the petitioner has misappropriated the rice meant for Food For Work.

Having regard to the facts and circumstances of the case, I am of the opinion that it is just and proper to grant stay of operation of the order dated 21.10.2005 pending disposal of the appeal. Accordingly, the writ petition is disposed of directing the first respondent to consider and dispose of the appeal itself after giving reasonable opportunity to the petitioner. Till then the impugned order dated 21.10.2005 granted

by the 2nd respondent cancelling the authorization in fvour of the petitioner shall stand stayed and the petitioner is permitted to distribute the essential commodities.

The writ petition is disposed of accordingly. No costs.

_____

(V.ESWARAIAH, J.)

20.12.2005

kpr